

Ex. A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE APPLE iPhone

LITIGATION

NO. 5:11-MD-022550-LHK

VIDEOTAPED DEPOSITION OF CAMERON DWYER

PALO ALTO, CALIFORNIA

TUESDAY, AUGUST 14, 2012

BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CCRR, CLR

CSR LICENSE NO. 9830

JOB NO. 51485

1 it can use and, you know, all the features, really.

2 I -- I -- I -- I make a -- yeah, I do research.

3 Q So what -- what kinds of technical
4 specifications are -- were important to you at the
5 time you first purchased an iPhone?

6 A You know, its ability to use different
7 features besides just the phone itself, so different
8 applications.

9 Q So the ability to host software applications
10 is an important specification to you?

11 A Uh-huh, yes.

12 Q And --

13 A Yes.

14 Q -- were you aware of other phones in the
15 market at that time that also enabled third-party
16 software applications?

17 A I -- I don't recall.

18 Q What I recall was that Apple had what seemed
19 to me to be the best product, yeah.

20 Q And what did you -- specifically did you
21 think made Apple's product the best product in 2008?

22 A The apps.

23 Q And the avail- -- what about the apps? The
24 breadth of the App Store? What was it specifically
25 about the apps?

1 A Sure. Breadth -- breadth of the App Store is
2 probably -- probably the most significant, you know.

3 Q Meaning the number of apps that were
4 available?

5 A And quality.

6 Q Okay.

7 A Uh-huh.

8 Q And what did you do to ascertain the number
9 and quality of apps before purchasing the first iPhone
10 you used, if anything?

11 A I -- I read reviews, yeah.

12 Q What -- what kinds of reviews did you read?

13 A Online -- online reviews from magazines, that
14 sort of thing.

15 Q And what were these reviews of?

16 A Of -- of, you know, the different phones
17 feature -- the phone's different features and, yeah,
18 the apps.

19 Q Well, can you be specific about the different
20 phone's features that were reviewed in the reviews
21 that you read.

22 A Well, at the time that Apple -- at the time
23 that I was purchasing the phone, making my decision
24 and switching to Apple, you know, the Apple phones
25 were still in a, you know, relatively early phase of

1 Q And what informs your belief that it was
2 faster than the model you were currently using?

3 A Again, the -- the online reviews, the
4 magazines I read.

5 Q And aside from it being faster, was there
6 anything else about the iPhone 4 that led you to
7 purchase a -- a new model at that point in time?

8 A Better camera -- that it was faster and it
9 had a better camera. Those were the two, yeah, main
10 things.

11 Q Anything else that you can recall
12 contributing to your decision to purchase an upgraded
13 iPhone 4 in France in 2010?

14 A No.

15 Q Okay. And do you recall reading or
16 reviewing -- sorry. Withdrawn.

17 Do you recall reading anything that
18 influenced your decision to purchase an iPhone 4 in
19 France in 2010?

20 A I recall reading a lot, but I don't recall
21 what exactly it was.

22 Q Can you recall generally what you read that
23 formed your decision to purchase an iPhone 4?

24 A Beyond the -- the camera and the faster
25 processor, no, no.

1 know, the electrical devices and --

2 Q And -- and aside from turning location
3 services off on an airplane, can you think of any
4 other instance in which you've turned location
5 services off?

6 MR. RICHMAN: Objection.

7 THE WITNESS: No. I'm -- I'm -- you know,
8 I'm happy giving apps my location as long as, you
9 know, they -- they manage that information in a way
10 that, you know, it's appropriate and it's consistent
11 with my understanding of, you know, what -- what the
12 guidelines are on privacy.

13 MS. BERINGER: Q. And -- and what
14 contributes to your understanding of what a given
15 app's guidelines are on privacy?

16 A Whether or not it's in the App Store is -- is
17 a large factor. So I -- you know, I think that, you
18 know, there are certain standards that an app has to
19 meet in order to be in the App Store. By virtue of
20 being in the App Store, I assume without, you know,
21 checking on each app that it's met those standards.

22 Q And what specific standards that are
23 relevant -- withdrawn.

24 You understand that unless you jailbreak your
25 phone, every app is available in the App Store;

1 genre do not in and of themselves allow anyone to know
2 who you are?

3 MR. RICHMAN: Objection.

4 THE WITNESS: In and of them -- in and of
5 themselves, yes, they're -- they're -- they're --
6 right.

7 MS. BERNINGER: Q. And there's an allegation
8 that these were linked to a unique identifier that
9 DoubleClick shares with AdMarvel; do you see that?

10 A I don't know what you're referring to.

11 Q I'm just reading the complaint.

12 A Yeah.

13 Q It states that --

14 A Yeah.

15 Q -- through the Pandora app, DoubleClick
16 collected the following information --

17 A Yes.

18 Q -- age, gender, dot, dot, dot, dot, dot --

19 A Yes.

20 Q -- all linked to the unique identifier that
21 DoubleClick shares with AdMarvel; do you see that?

22 A Yes.

23 Q Do you know what unique identifier is being
24 referred to here?

25 A No.

1 MR. RICHMAN: Objection.

2 MS. BERNINGE: Q. Do you have any reason to
3 think that that unique identifier personally
4 identifies you?

5 MR. RICHMAN: Objection.

6 THE WITNESS: Yeah, this is a -- "unique
7 identifier" is simply not a term that I'm -- that I'm
8 familiar with.

9 MS. BERNINGE: Q. So do you see any
10 information in paragraph 46A that allegedly was
11 collect- -- collected by DoubleClick through the
12 Pandora app that is not anonymous?

13 MR. RICHMAN: Objection.

14 THE WITNESS: Yeah, without -- without having
15 a -- a familiar understanding of what the unique
16 identifier means, then I can't -- then no.

17 MS. BERNINGE: Q. So based on what is stated
18 in paragraph 46A, this information identified here,
19 you would agree, is entirely anonymous information?

20 A That's -- that's not what I said.

21 Based on, you know, the terms I'm aware of,
22 yeah, I -- I -- I'm simply not familiar.

23 Q Well, let's put aside the unique identifier
24 allegation because I don't know what that is, either.

25 A Okay.

1 J U R A T

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4 I, CAMERON DWYER, do hereby certify
5 under Penalty of Perjury that I have read the
6 foregoing transcript of my deposition taken
7 on August 14, 2012; that I have made such
8 corrections as appear noted herein in ink,
9 initialed by me; that my testimony as
10 contained herein, as corrected, is true and
11 correct.

12

13

14 DATED this _____ day of _____, 2012,
15 at _____, California.

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SIGNATURE OF WITNESS

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CERTIFICATE OF REPORTER

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3

4 I, ANDREA M. IGNACIO HOWARD, hereby certify
5 that the witness in the foregoing deposition was by me
6 duly sworn to tell the truth, the whole truth, and
7 nothing but the truth in the within-entitled cause;

8

9 That said deposition was taken in shorthand
10 by me, a Certified Shorthand Reporter of the State of
11 California, and was thereafter transcribed into
12 typewriting, and that the foregoing transcript
13 constitutes a full, true and correct report of said
14 deposition and of the proceedings which took place;

15

16 That I am a disinterested person to the said
17 action.

18

19 IN WITNESS WHEREOF, I have hereunto set my
20 hand this 21st day of August, 2012.

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ANDREA M. IGNACIO HOWARD, RPR, CCRR, CLR, CSR No. 9830

